

Revised Summary of Selected Provisions
HB 212 Public School Reforms

Section Information				Bill Provisions
Section 1	22-1-1	Title	pp. 1-2	<ul style="list-style-type: none"> Public School Code
Section 2	22-1-1.2	Legislative Findings and Purpose	pp. 2-4	<ul style="list-style-type: none"> Aligns certain legislative findings and intent to the purposes and intent of NCLB that every child can learn and achieve; asserts the value of a multicultural education system that attracts quality teachers and holds them accountable; and elevates public education by clarifying the governance structure at different levels.
Section 3	22-1-2	Definitions	pp. 4-9	<ul style="list-style-type: none"> Repeals existing law and enacts a new section that alphabetizes the definitions and adds new definitions including: <ul style="list-style-type: none"> Subsection A: adds Adequate Yearly Progress (AYP) to measure growth over 12-year period; Subsection F: adds “instructional support provider” to mean educational assistant, librarian, school counselor, social worker, school nurse, and other ancillary personnel; Subsection G: adds “licensed school employee” to mean teacher, school administrator, and instructional support providers; Subsection J: adds “parent” to include guardian or other person having custody of a student; Subsection N: adds “school administrator” to include principals and central office administrators; Subsection AA: adds teacher to mean a person who holds a level 1, 2, or 3 license as defined in the three-tiered licensure structure; Subsection BB: leaves “certified school instructor” to accommodate unamended sections of current law; and Subsection CC: leaves “certified school employee” or “certified school personnel” to accommodate unamended sections of current law.
Section 4	22-1-4	Free Public Schools – Exceptions– Withdrawing and Enrolling-Open	pp. 9-13	<ul style="list-style-type: none"> Amends and recompiles existing law. <ul style="list-style-type: none"> Subsection D: eliminates local school district testing programs and adds “statewide assessment and accountability system” to align with NCLB; Subsection E.3.b: changes priority of enrollment of students, making students in schools rated in need of improvement or subject to corrective action as a second

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		Enrollment		schools rated in need of improvement or subject to corrective action as a second priority to comply with NCLB; and Subsections A, B, and C: no change.
Section 5 (Revised)	22-2-2	State Board– Duties	pp. 13-20	<ul style="list-style-type: none"> Mostly cleanup or clarification. Amends existing law as follows: Subsection G: changes language to track with new definitions; Subsection H: adds SBE authority to deny a license and changes “immorality” to “moral turpitude”; Subsection M: eliminated through SEC amendment to remove SBE authority over adult basic education programs and to transfer this authority to Commission on Higher Education. Subsequent subsections are re-lettered. Subsection V: allows SDE more flexibility in scheduling evaluations of schools to determine the adequacy of school and school district operations, adequacy of staff preparation, and other matters bearing upon the education of the students; Subsection X: eliminates the provision exempting local school board members from mandatory attendance at workshops and other training; Subsection AA: adds language to professional development framework to comply with NCLB language; and Subsection CC: adds a teaching of reading course based on scientifically based research to SBE’s criteria for approving teacher preparation programs.
Section 6	22-2-6	Department– Duties	pp. 20-21	<ul style="list-style-type: none"> Amends and recompiles existing law. Subsection A: adds language granting authority to SDE to take over the control and management of a school district or school that has failed to meet requirements of law or SBE rules or standards (currently in regulation) to align with accountability requirements of NCLB; Subsection B: adds language granting authority to SDE to issue student identification numbers for use in the accountability data system and to measure AYP; and Subsections B -J: renumbers subsections and cleanup.
Section 7	22-2-8	School Standards	pp. 21-22	Cleanup to track with new definitions. Adds “local superintendent and school principal” to track with change in local governance.
Section 8	22-2-14	Local School Boards–Public Schools– Suspension–	pp. 22-25	<ul style="list-style-type: none"> Existing law. Adds language throughout section to include “local superintendent and school principal” to track with change in local governance.

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		Procedures		
Section 9	22-2-15	Hearings– Suspension Continuance and Discontinuance– Appeals	pp. 25-26	<ul style="list-style-type: none"> Existing law. <p>Subsections A-C: adds language to include local superintendents and school principals to track with change in local governance.</p>
Section 10	22-2A-1	Assessment and Accountability Act	p. 26	<ul style="list-style-type: none"> Title of “Assessment and Accountability Act”
Section 11	22-2A-2	Purposes	p. 26	<ul style="list-style-type: none"> Enacts a new section of law. <p>Adds language that the purposes of the Assessment and Accountability Act are to comply with federal requirements, provide means to assess the progress of students and schools, and ensure an accountability system in which public schools, districts, and the state are held accountable for ensuring student success.</p>
Section 12	22-2A-3	Academic Content and Performance Standards–State Board Powers and Duties	pp. 26-27	<ul style="list-style-type: none"> Enacts a new section of law and rewords existing law to align with NCLB. <p>Subsection A: requires SBE to adopt academic content and performance standards for grades 1-12 in math, reading/language arts, and science as required by NCLB, and retains social studies;</p> <p>Subsection C: requires academic content and performance standards to be sufficiently academically challenging to meet or exceed NCLB requirements; and</p> <p>Subsection D: requires every school to be assessed according to AYP.</p>
Section 13	22-2A-4	Statewide Assessment and Accountability System– Indicators– Required Tests– Alternative Tests–Limits on Alternatives to English Language Reading Test	pp. 27-29	<ul style="list-style-type: none"> Enacts a new section of law to align with NCLB. <p>Subsection A: requires SBE to establish a statewide assessment and accountability system that is aligned with the state academic content and performance standards and that measures AYP for each student, school, and district;</p> <p>specifies that AYP will be determined primarily by student academic achievement demonstrated by statewide standards-based tests and other indicators of AYP, including graduation rates at high school, and attendance at elementary and middle schools;</p> <p>Subsection B: establishes the timeline for AYP using a standards-based assessment as follows:</p> <p>K-2, diagnostic and standards-based tests on reading by 2003-2004 school year; grades 3-9, and 11, standards-based tests in mathematics, reading and language arts and social studies by 2005-2006 school year;</p> <p>grades 4,6,8,11, standards-based writing tests by the 2005-2006 school year; and</p>

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				<p>for one of grades 3-5 and 6-9, and 11, standards-based tests in science by the 2007-2008 school year;</p> <p>Subsection D: requires SBE to adopt standards for accommodations in testing for students with disabilities and limited English proficient (LEP) students; and</p> <p>Subsection E: specifies tests for LEPs in primary languages. However, after three years in U.S., LEPs must participate in English language tests unless waived by SBE. Waivers can only be granted for a two-year maximum.</p>
Section 14	22-2A-5	Student Achievement Ratings– Calculation of Adequate Yearly Progress	pp. 29-30	<ul style="list-style-type: none"> Enacts a new section of law. <p>Requires SBE to:</p> <ul style="list-style-type: none"> adopt process and method to calculate AYP; specifies that statewide standards-based tests to assess AYP must be valid and reliable and must conform with nationally recognized professional and technical standards; and measures academic performance by the following subgroups: ethnicity; race; limited English proficiency; disability status; and poverty.
Section 15	22-2A-6	Remediation Programs - Promotion Policies– Restrictions	pp. 30-36	<ul style="list-style-type: none"> Recompiles existing law to align with NCLB. <p>Subsection A: recompiles current statute from 22-2-8.6 to 22-2A-6 to address remediation, improvement programs, and promotion policies with alternative district tests and requirements of assessment and accountability program measuring AYP;</p> <p>Subsections D: changes language regarding diagnosis of weaknesses to be identified by a student’s academic achievement rather than the reading or writing performance assessment instrument currently in law; and</p> <p>Subsections E-J: changes language requiring attainment of proficiency established by content standards to AYP as criteria for addressing remediation, academic improvement programs, retention and promotion policies, and alternate programs.</p>
Section 16	22-2A-7	Adequate Yearly Progress–School Improvement Plans–Corrective Action	pp. 36-40	<ul style="list-style-type: none"> Enacts a new section of law to align with NCLB relating to ranking and school improvement plans of schools that fail to make AYP as follows: <p>Subsection A: requires a school that fails to make AYP for two consecutive years to be ranked as a school in need of improvement;</p> <p>Subsections B-C: requires that within 90 days of notification, a school that has been ranked in need of improvement must submit an improvement plan to SDE and meet other procedural criteria for developing the plan;</p> <p>Subsection D: allows school in need of improvement to apply to SDE for financial or other assistance based on improvement plan;</p>

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	<p>Subsection E: requires a school that fails to make AYP for two or more consecutive years to provide transportation or pay the cost of transportation, within available funds, for students who choose to enroll in a higher ranked public school;</p> <p>Subsection F: requires a school that fails to make AYP for three or more consecutive years to provide supplemental services, summer, or after-school tutoring programs within available funds;</p> <p>Subsection G: requires SBE to adopt rules to govern the priority for students for whom supplemental services must be provided and for students who qualify for transportation costs;</p> <p>Subsection H: requires a school that fails to make AYP for four consecutive years to be ranked as a school in corrective action and requires the district and SDE to take one or more of the following actions in addition to previous improvements: replace staff as allowed by law; implement a new curriculum; decrease management authority of the school; appoint an outside expert to advise the school; extend the school day or year; or change the school’s internal organizational structure;</p> <p>Subsection I: requires a school district in which a school that fails to make AYP for five consecutive years, with SDE, to take one or more of the following actions in addition to other improvements: reopen the public school as a charter school; replace all or most of the staff as allowed by law; turn over the management of the public school to SDE; or make other governance changes;</p> <p>Subsection J: requires a school district that fails to make AYP for two consecutive years to be subject to the same requirements as a school in need of improvement or is subject to corrective action, as determined by SBE and stipulates that a district that fails to make AYP for four consecutive years be subject to corrective action; and</p> <p>Subsection K: prohibits the state or a school district from entering into management contracts with private entities for management of public schools or districts subject to corrective action.</p>
<p>Section 17 22-2A-8 Adequate Yearly Progress– Supplemental Incentive Funding–State Program for Other Achievement pp. 40-41</p>	<ul style="list-style-type: none"> • Enacts a new section of law. <p>Subsection A: requires SBE to institute an AYP program to measure progress of all schools and provides for supplemental funding for schools that show the greatest improvement in AYP from the Incentives for School Improvement Fund; and</p> <p>Subsection B: allows SBE to institute a “State Improving Schools Program” that measures school improvement by AYP and current indicators of safety, dropout rate, parent and community involvement, and, if not used for AYP, graduation and</p>

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				attendance.
Section 18	22-2A-9	Incentives for School Improvement Fund–Created–Distributions	pp. 41-43	<ul style="list-style-type: none"> Recompiles and expands provisions related to incentives for school improvement. <p>Subsection A: allows funds in existing Incentives for School Improvement Fund, administered by SDE, to be used for funding of the “AYP Program” and “State Improving Schools Program”;</p> <p>Subsection B: requires SBE to adopt a formula for the AYP program to distribute at least 60 percent of the fund, including restricted federal funds for AYP, and no more than 40 percent of the fund, not including restricted federal funds, for the State Improving Schools Program; and</p> <p>Subsection C: requires each school council to determine how the supplemental funding will be used (councils created in Section 27) and specifies that money not be used for salaries, salary increases, or bonuses, but that it may pay substitute teachers when teachers attend professional development activities. Funds shall not revert.</p>
Section 19	22-2A-10	Schools in Need of Improvement Fund–Created	p. 43	<ul style="list-style-type: none"> Enacts a new section of law. <p>Subsection A: creates the Schools in Need of Improvement Fund in the state treasury for public schools in need of improvement or subject to corrective action; requires that no more than three percent of the fund may be used for administration by SDE; and requires distributions to be based on approved improvement plans; and Fund shall not revert.</p> <p>Subsection B: adds new language that distribution of funds will be based on SDE approval of school’s improvement plan application.</p>
Section 20 (Revised)	22-2A-11	Assessment and Accountability System Reporting–Parent Survey–Data System–Fiscal Information	pp. 43-48	<ul style="list-style-type: none"> Replaces and repeals current law 22-1-6, Annual school district accountability report required; and aligns with NCLB. <p>Subsections A-B: establishes procedures for reporting individual student assessments to parents;</p> <p>Subsection C: allows local school boards to establish additional indicators to measure a school district’s performance in areas other than AYP;</p> <p>Subsections D –E: recompiles existing language on parent survey;</p> <p>Subsections F-J, & M: recompiles existing law on “Annual School District Accountability Report Required”; adds new requirements that the accountability report include the names of any local school board members who failed to attend mandatory training and data on expenditures for central office administration and for the public schools in the district; and tracks with new language;</p>

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				<p>Subsection K: requires SDE at end of FY 05 to produce a report to the Legislature that shows, for all districts using performance-based budgeting, the relationship between that portion of a school district's program cost generated by each of the district's public schools and the budgeted expenditures for each school as reported in the district's performance-based program budget. Requires SDE, at the end of FY 06, to produce the same report for all districts; and</p> <p>Subsection L: requires SDE to recommend to the Legislature for inclusion in the General Appropriation Act, the maximum percentage of program cost that will be expended in central office administration.</p>
Section 21	22-5-4	Local School Boards–Powers–Duties	pp. 48-50	<p>Subsections A-M: redefines local school board authority to focus on these duties: develop educational policies, employ local superintendent, approve district budgets, and tend to other matters relating to policy. Eliminates other duties reassigned to local superintendent in section 25.</p>
Section 22	22-5-6	Nepotism Prohibited	pp. 50-51	<p>Subsection A: changes language of current law on nepotism so that a local superintendent, instead of a local board, cannot initially employ relatives and allows local school board to waive the nepotism rule for family members of the local superintendent.</p>
Section 23	22-5-11	School District Salary System	pp. 51-52	<p>Subsection A: adds language to require that salaries for teachers and school administrators must be aligned with the licensure framework provided for in the School Personnel Act.</p>
Section 24	22-5-13	Local School Board Training	p. 52	<p>Adds language to require SDE to develop a mandatory training course for local school board members and to notify them of the dates of the training course to be conducted no later than three months after a local school board election.</p>
Section 25	22-5-14	Local Superintendent–Powers and Duties	pp. 52-53	<p>Subsections A-C: adds language that identifies the local superintendent as the CEO of the school district and authorizes him to carry out the educational policies and rules of SBE and the local board and empowers superintendent to be accountable for daily operations of the district including hiring employees, fixing salaries, discharging employees, and applying to SBE for waivers.</p>
Section 26	22-5-15	Collaborative School Improvement Programs	pp. 53-55	<p>Subsections A-D: aligns existing language to track with change in local governance and complies with NCLB requirements that parents be informed of and included in programs related to school improvement.</p>
Section 27	22-5-16	Advisory School	pp. 55-56	<p>Subsections A-C: requires public schools to create advisory school councils to assist</p>

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		Councils – Creation – Duties		the school principal with school-based decision-making and to involve parents in their children’s education; to act as “champions” for children; and to encourage greater community participation in the public schools and where appropriate, to coordinate with work force development efforts. Also requires that advisory committee members be elected based on local board policy and requires the principal to be an active member of the school council. Requires the school council to work with the principal on the school’s proposed and actual budgets. Also aligns with NCLB requirements that parents be kept informed and provided with opportunities to participate in regular, two-way, and meaningful communication involving student academic learning and other school activities. Recommendation of EIATF.
Section 28	22-8-1 thru 22-8-42	Public School Finance Act	p. 56	Citation cleanup in reference to the “Public School Finance Act” in Chapter 22, Article 8, NMSA 1978.
Section 29	22-8-9	Budgets – Minimum Requirements	pp. 56-57	Subsections A-B: cleanup, and also recompiles existing law on 22-8-9, Budgets; minimum requirements. Subsection C: eliminates provision for local board to submit plan for alternate school year (moved to section 61). Recommendation of EIATF.
Section 30	22-8-43	Public School Reading Proficiency Fund – Created	pp. 57-58	Recompiles existing law that creates the “Public School Reading Proficiency Fund”; replaces existing language “research-based” reading programs with the term “scientifically based” reading programs as used in NCLB.
Section 31	22-8-44	Educator Licensure Fund – Distribution – Appropriation	pp. 58-59	Subsections A-B: cleanup language to track with new definitions for alignment with professional teacher licensure framework.
Section 32	22-8B-4	Charter Schools’ Rights and Responsibilities – Operation	pp. 59-61	Cleanup language to track with new terminology.
Section 33	22-10A-1	School Personnel Act	p. 61	Recompiles existing law in 22-10-1 through 22-10-27, Article 10, Certified School Personnel, as “School Personnel Act.”
Section 34	22-10A-3	License or Certificate Required – Application Fee – General Duties	pp. 61-63	Subsection C: changes language so that compensation payment will be withheld until the employee demonstrates that he has applied for or holds a valid license or certificate.

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Section 35	22-10A-4	Teachers and School Administrators–Professional Status–Licensure Levels–Salary Alignment	pp. 63-65	<p>Subsections A-C: requires a professional three-level licensure system to include: <u>Level 1 License</u>, as provisional, for years one to three of teaching; provides mentorship support;</p> <p><u>Level 2 License</u>, as fully qualified professional who is primarily responsible for ensuring that students meet and exceed academic content and performance standards; may be a terminal career step for remainder of teaching career;</p> <p><u>Level 3A License</u>, as the highest level of teaching licensure which includes instructional leadership role and greater responsibilities; and</p> <p><u>Level 3B License</u>, as a new career path for teachers in school administration;</p> <p>Subsection D: requires all teacher and school administrator salary systems to be aligned with the licensure framework in a professional educator licensing and salary system; and</p> <p>Subsection E: requires all teachers and school administrators who hold certificates on effective date of 2003 act to meet requirements for their respective levels by September 1, 2006.</p>
Section 36	22-10A-5	Background Checks–Known Convictions–Reporting Requirement–Limited Immunity–Penalty for Failure to Report	pp. 65-68	<ul style="list-style-type: none"> Recompiles existing law and adds new language. <p>Subsections A-B: adds cleanup language to track with new terminology;</p> <p>Subsection C: changes length of time that a background check remains valid from 12 to 24 months;</p> <p>Subsection D: adds requirement for local superintendent to report to SDE any known conviction of a felony or misdemeanor involving moral turpitude of a licensed school employee that results in any type of action against the licensed employee;</p> <p>Subsection E: allows SBE to suspend or revoke the license of a local superintendent who fails to report a criminal conviction involving moral turpitude of a licensed school employee; and</p> <p>Subsection F: provides legal indemnity against civil charges for persons who in good faith report any known criminal conviction involving moral turpitude of a licensed school employee, provided that the accused person will have the right to sue for any damages sustained as a result of negligent or intentional reporting of inaccurate information or the disclosure of any information to an unauthorized person.</p>
Section 37	22-10A-6	Educational Requirements for Licensure	pp. 68-70	<ul style="list-style-type: none"> Recompiles existing law; cleanup language to track with new terminology. <p>Subsections A, C and E: adds language to track with professional teacher licensure framework language and adds reciprocity of licensed teachers; and</p>

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				framework language and adds reciprocity of licensed teachers; and Subsection B: adds language requiring SBE to establish requirements that provide a reasonable period of time to comply with the provisions of the reading requirements for licensure: six hours for elementary and three hours for secondary.
Section 38	22-10A-7	Level One Licensure	pp. 70-72	Subsections A-G: beginning with school year 2003-2004 implements a Level 1 license as a three-year provisional license with two conditions: a formal mentorship program and annual intensive performance evaluation by an administrator for three school years as a condition of eligibility to apply for a Level 2 license; provides for termination if the teacher fails to demonstrate satisfactory progress and competence annually; and requires that the minimum salary for a Level 1 teacher be \$30,000 for a standard nine and one-half month contract. Aligns with NCLB requirements that new teachers hold a minimum of a bachelor's degree and pass a state competency examination prior to licensure and annually thereafter; and Subsection H: requires existing teachers who hold Level 1 license to be evaluated by the end of school year 2006-2007.
Section 39	22-10A-8	Alternative Level One License	pp. 72-74	<ul style="list-style-type: none"> Recompiles existing law. Complies with NCLB provisions that teachers certified through an "alternative licensure" program will be considered as "highly qualified."
Section 40	22-10A-9	Mentorship Program for Level One Teachers– Purpose–State Board Duties– Department Duties	pp. 74-75	<ul style="list-style-type: none"> Recompiles existing law. Complies with NCLB requirements for highly qualified teachers and mentorship for beginning teachers.
Section 41	22-10A-10	Level Two Licensure	pp. 76-77	<ul style="list-style-type: none"> Enacts new section relating to Level 2 Licensure. Subsections A-C: implements a Level 2 license to applicants who have successfully completed the three-year Level 1 license, or who are granted reciprocity as provided by SBE rules, who demonstrate essential competency required by SBE, verified through the highly objective uniform statewide standard of evaluation, and who meet other SBE qualifications; and Subsection D: establishes a \$40,000 minimum salary for Level 2 teachers for a standard nine and one-half month contract phased-in as follows:

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				<ul style="list-style-type: none"> • 2003-2004 school year: \$30,000; • 2004-2005 school year: \$35,000; and • 2005-2006 school year: \$40,000. <p>Requires SBE to adopt statewide objective performance evaluation for Level 2 teachers. Aligns with NCLB requirements that teachers exhibit appropriate grade and subject area competencies through an evaluation process.</p>
Section 42	22-10A-11	Level Three Licensure— Tracks for Teachers and School Administrators	pp. 77-80	<p>Subsection A: requires a Level 3-A license to be a nine-year license granted to a teacher who meets the qualifications for this level and who annually demonstrates instructional leader competencies;</p> <p>Subsection B: requires SDE to grant a Level 3-A license to applicants who have been Level 2 teachers at least three years, who hold a graduate degree or National Board for Professional Teaching Standards certification, who demonstrate instructional leader competence as required by SBE and verified by local superintendent through the highly objective uniform statewide standard of evaluation, and who meet other qualifications;</p> <p>Subsection C: requires, with SBE adoption of statewide objective performance evaluation for Level 2 teachers, a minimum salary of \$50,000 for a nine and one-half month contract to be phased-in within the five-year period:</p> <ul style="list-style-type: none"> • 2003-2004 school year: \$30,000 • 2004-2005 school year: \$35,000 • 2005-2006 school year: \$40,000 • 2006-2007 school year: \$45,000 • 2007-2008 school year: \$50,000; <p>Subsection D: requires a Level 3-B license to be a nine-year license granted to a school administrator who meets the qualifications for this level and allows license renewal upon satisfactory annual demonstration of instructional leader and administrative competency;</p> <p>Subsection E: requires SDE to grant a Level 3-B license to applicants who have been Level 3-A instructional leaders for at least one year, have satisfactorily completed SBE-approved courses in administration and an SBE-approved administration apprenticeship program, and have demonstrated instructional leader competence required by SBE and verified by local superintendent through the highly objective uniform statewide standard of evaluation; and</p> <p>Subsection F: beginning with the 2005-2006 school year, requires the standard</p>

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				<p>contract and minimum annual salary for a Level 3-B school principal to be based on the size of the school in which the principal is employed, as follows:</p> <ul style="list-style-type: none"> • 200-or fewer students: \$58,000 for standard 10 month contract; • 201-400 students: \$60,000 for standard 10-month contract; • 401-600 students: \$62,000 for standard 10-month contract; • 601-800 students: \$64,000 for standard 10-month contract; • 801-1000 students: \$66,000 for standard 10-month contract; and • over 1000 students: \$68,000 for standard 10-month contract.
Section 43	22-10A-12	Limited Reciprocity	p. 80	<ul style="list-style-type: none"> • Provides for SDE to grant a Level 2 or Level 3 license to a teacher or school principal licensed in another state who demonstrates the required competencies and meets other requirements and qualifications for the license for which he applies, including the background check; allows local superintendents to require a mentorship period if deemed necessary; and permits a teacher holding an out-of-state license to apply for a lower level license if requirements for the higher level cannot be met.
Section 44	22-10A-13	Native American Language and Culture Certificates	pp. 80-81	<ul style="list-style-type: none"> • Recompiles existing law. <p>Conforms with NCLB Title I requirements that allow non-degreed instructional support providers to teach in the area of translation and Title VII intent to “support the efforts of local educational agencies, Indian tribes and organizations, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students.”</p>
Section 45 (Revised)	22-10A-14	Certificates of Waiver	p. 81	<ul style="list-style-type: none"> • Enacts new law to allow SDE to issue a certificate of teaching waiver or assignment waiver for a period of one year, which may be renewed if individual provides satisfactory evidence of continued progress toward meeting the endorsement requirements. Requires that a teacher who holds a teaching or assignment waiver not be assigned to school that has not made AYP for two consecutive years.
Section 46	22-10A-15	Substitute Teacher Certificate	pp. 81-82	<ul style="list-style-type: none"> • Enacts new law requiring substitute teachers to hold a certificate based on criteria established by SBE and issued by a local school district, which may provide additional qualifications or requirements.
Section 47	22-10A-16	Parental Notification	pp. 82-83	<ul style="list-style-type: none"> • Enacts new law and includes language to comply with NCLB parental notification requirements.

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				<p>Subsections A-C: requires within 60 calendar days from the beginning of each school year every school district to issue a notice to parents to advise them that they may obtain information regarding the professional qualifications of their children’s teachers, instructional support providers, and principals; requires local superintendents to give written notice to parents of students who are being taught for longer than four consecutive weeks by a substitute teacher or by a person not qualified to teach the grade or subject; and requires administrators to ensure the required notice (in a bilingual format if necessary) is provided by the end of the four-week period following the assignment of that person to the classroom; ensure that information relating to teacher license is available to the public upon request; and verify that the notice complies with NCLB requirement for school districts to notify parents about professional qualifications of their children’s teachers, and instructional support providers.</p>
Section 48	22-10A-17	Instructional Support Provider Licenses	pp. 83-84	<ul style="list-style-type: none"> Enacts new section and adds language to existing law to track with definitions and additional categories of workers included under the section.
Section 49	22-10A-18	School Principals– Duties	pp. 84-85	<ul style="list-style-type: none"> Recompiles and changes language in existing law relating to school principal’s duties. <p>Subsection A: in addition to other duties prescribed by law and under general supervision of the local superintendent, the school principal assumes administrative responsibility and overall instructional leadership for the school to which he is assigned, including student discipline and planning, operation, supervision and evaluation of the educational program of the school.</p> <p>Subsections B-D: requires the school principal to make recommendations to the superintendent on matters of employment, promotion, transfer, discipline, discharge and termination of school employees; and to evaluate performance of school employees and develop professional development plans; and</p> <p>Subsection E: requires the principal to develop a proposed budget for the public school, with input from the school council, for submission to the local superintendent.</p>
Section 50	22-10A-19	Teachers and School Principals– Accountability– Evaluations–	pp. 85-87	<ul style="list-style-type: none"> Enacts a new section of law that creates a statewide school employee annual performance evaluation program to comply with accountability requirements of NCLB. <p>Subsection A: requires SBE to adopt criteria and minimum highly objective uniform statewide standards of evaluation for an annual performance evaluation of licensed</p>

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		Professional Development–Peer Intervention–Mentoring		statewide standards of evaluation for an annual performance evaluation of licensed school employees, including teachers and principals; and requires local superintendents to adopt policies, guidelines, and procedures for the performance evaluation process, and to include the evaluation by other school employees as one component of the evaluation tool for school administrators; and Subsection B: establishes employee evaluation program procedures, among them: the requirement for principals to observe each teacher’s classroom practice; development of a professional development plan; procedures for requiring peer intervention, including mentoring, for Level 1 and Level 2 teachers whose performance evaluation is less than satisfactory; and a requirement that at least every two years principals will attend a training program approved by SDE to improve their evaluation, administrative, and instructional leadership skills.
Section 51	22-10A-20	Staffing Patterns–Class Load–Teaching Load	pp. 87-90	Subsections A-E and G-L: adds “educational assistant” to existing language to track with new terminology; and Subsection F: adds new language exempting band, music classes, and athletic electives from class load limits.
Section 52	22-10A-31	Denial, Suspension and Revocation of Licenses	pp. 90-93	<ul style="list-style-type: none"> Eliminates procedures for suspension and revocation in addition to denial and replaces them with the Uniform Licensing Act, to be used by SBE.
Section 53	22-10A-32	Licensed School Employees–Required Training Program	pp. 93-94	<ul style="list-style-type: none"> Recompiles existing law; cleanup to track with new terminology.
Section 54	22-10A-33	Violence–Vandalism–Reporting	pp. 94-95	<ul style="list-style-type: none"> Recompiles existing law; cleanup to track with new terminology.
Section 55	22-12-1	Compulsory School Attendance Act	pp. 95	<ul style="list-style-type: none"> Recompiles the Compulsory School Attendance Law.
Section 56	22-12-3	Religious Instruction Excusal	pp. 95-96	<ul style="list-style-type: none"> Reassigns the approval authority for religious instruction excusal from the local school board to the principal.
Section 57	22-13-1	Subject Areas–Minimum	pp. 96-97	<ul style="list-style-type: none"> Existing law with new language to track to NCLB requirements as follows: Subsection A: requires SBE to require public schools to address SBE-approved

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		Instructional Areas Required– Accreditation		<p>academic and performance standards for instruction in specific SBE-required subject areas; and requires SBE not to accredit a public school or school district that fails to meet these minimum requirements;</p> <p>Subsection B: requires all first through third grade classes to provide daily instruction in reading and language arts skills, and mathematics;</p> <p>Subsection C: requires all first through third grade classes to provide instruction in art, music , and a language other than English;</p> <p>Subsection D: requires fourth through eighth grades to provide instruction that meets academic content and performance standards in the following subject areas: reading and language arts skills with emphasis on writing and editing for at least one year, and an emphasis on grammar and writing for at least one year; mathematics; language other than English; communication skills; science; art; music; social studies; New Mexico history; US history; geography; and physical fitness; and</p> <p>Subsection E: in fourth through eighth grades, requires school districts to offer electives that contribute to academic growth and skill development and provide career and technical education.</p>
Section 58	22-13-1.1	Graduation Requirements	pp. 97-100	<ul style="list-style-type: none"> • Recompiles existing law and changes graduation requirements. <p>Subsection B:</p> <ul style="list-style-type: none"> • adds requirement that the existing minimum twenty-three units for graduation be aligned to the state academic content and performance standards; • adds requirement that, of the three currently required units in mathematics, at least one must be the equivalent to the algebra 1 level or higher; • adds one science unit to the existing two required units for students entering the ninth grade beginning in the 2005-2006 school year and requires that one of the classes will have a laboratory component; • changes the term physical fitness to physical education and expands the unit to include other physical activity; • retains the nine elective units in law and lowers the number of elective units from nine to eight for students entering the ninth grade in the 2005-2006 school year; and eliminates the list of approved courses and replaces them with elective units that meet SBE content and performance standards; and • requires that student service learning be offered as an elective.
Section 59	22-13-1.2	High School	p. 100	<ul style="list-style-type: none"> • Enacts new section of law to add requirement that high school curricula and end-

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		Curricula And End-of-Course Tests–Alignment		of-course tests be aligned with the placement tests administered by two- and four-year public educational institutions and requires SDE to collaborate with CHE for implementation.
Section 60	22-13-1.3	Reading Initiative–Design	pp. 101-102	<ul style="list-style-type: none"> Recompiles and adds new language to existing law to track with new terminology concerning “licensed school employees” and requiring use of “scientifically based” reading research.
Section 61	22-22-4	Variable School Calendar	p. 102	<ul style="list-style-type: none"> Cleanup; adds new language to existing law to track with new terminology. Eliminates the requirement in current law that SBE considers the request for approval of the proposed variable school calendar at an open public hearing held in the district making the request.
Section 62	22-22-5	Variable School Calendar–Action by State Board	pp. 102-103	<ul style="list-style-type: none"> Cleanup of existing language to track with new terminology. Eliminates the requirement in current law that SBE will make rules and regulations to establish procedures for making application, requiring reports, and maintaining supervision of operations of a district; and eliminates provision allowing SBE to make rules and regulations to implement the Variable School Calendar Act.
Section 63	22-22-6	Variable School Calendar–Effect	pp. 103-104	<ul style="list-style-type: none"> Cleanup; adds new language to track with new terminology.
Section 64	New Material	Family and Youth Resource Act	p. 104	<ul style="list-style-type: none"> Enacts the “Family and Youth Resource Act.”
Section 65	New Material	Advisory Committee–Members–Meetings–Duties	pp. 104-106	<ul style="list-style-type: none"> Enacts new section of law providing for creation of an advisory committee for coordination of the Family and Youth Resource Act.
Section 66	New Material	Programs – Purpose–Functions	pp. 106-107	<ul style="list-style-type: none"> Defines the purpose of the Family and Youth Resource Act to provide an intermediary for children and their families at public schools to access social and health care services through service integration of public and private service agencies.
Section 67	New Material	Family and Youth Resource Programs – Centers–Grants–Department Duties	pp. 108-109	<p>Subsections A-C: Enacts new section of law detailing SDE eligibility requirements for funding Family and Youth Resource programs. Among eligibility requirements are:</p> <ul style="list-style-type: none"> a statement of need that includes demographic and socioeconomic information about the area to be served;

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				<ul style="list-style-type: none"> written agreements for the provision of services by public and private agencies; a work plan and budget for the program; plans to ensure that program participants are not stigmatized for their use of the program; a physical description of the place in the school or adjacent to the school where the program will be located; and letters of endorsement and commitment from community agencies and organizations, and local governments.
Section 68	New Material	Family and Youth Resource Fund	pp. 109-110	<ul style="list-style-type: none"> Creates the “Family and Youth Resource Fund” administered by SDE to carry out the provisions of the act.
Section 69 (Revised)	New Material	Legislative Council Service– Office Of Education Accountability	pp. 110-111	<ul style="list-style-type: none"> Enacts a new section of law. Subsection A: establishes the Office of Education Accountability in the Department of Finance and Administration to provide an independent evaluation of the Assessment and Accountability Act and the School Personnel Act through a process of monitoring, review, verification, and study. Requires reporting of its findings to the LESC; and Subsection B: requires, SDE, school districts, and other state agencies to cooperate with the Office of Education Accountability and provide information as requested.
Section 70	Temp Provision	Distance Learning Capability	p. 111	<ul style="list-style-type: none"> Enacts a new section of law that requires CHE and SDE to inventory the current distance learning capability of postsecondary educational institutions and prepare a plan for the delivery by postsecondary educational institutions of distance education courses for teachers and other licensed school employees in reading instruction for K-3 students and multilingual instruction in elementary and secondary schools.
Section 71 (Revised)		Appropriations	pp. 111-113	The House Appropriations and Finance Committee amendment strikes this section in its entirety and renumbers Sections 72 through 74 accordingly. Appropriations are included as part of CS/HB 2, et al.
Section 72		Recompilation	pp. 113-114	Recompiles certain sections of the Public School Code.
Section 73		Repeal	pp. 114-115	Repeals certain sections of the Public School Code.
Section 74		Emergency	p. 115	Emergency clause.